

Application Number 09/873,933
Responsive to Office Action mailed March 18, 2005

REMARKS

This Amendment is responsive to the Office Action dated March 18, 2005. The period of response to the Office Action has been reset by way of a duplicate Office Action sent to Applicant on March 18, 2005. An Office Action dated February 23, 2005 had been sent earlier to an incorrect correspondence address.

In this Amendment, Applicant has amended claims 1-4, and added claims 36-46. Claims 1-4 and 36-46 are pending.

Amendments to Claim 1

Applicant has amended claim 1 to more improve readability. For example, amended claim 1 now refers to correlation of a subscriber unit "with" a physical port. Amended claim 1 also states that the location code is stored in the central repository to "correlate" the location code with the physical port. The location code is entered so that services may be provisioned for a subscriber to the network. Even though a subscriber unit may be known by the network, the identity of the particular subscriber associated with the subscriber unit is unknown. Different subscribers, identified by location codes, may request different types or levels of service. Accordingly, correlation of the location code with a physical port is important for provisioning of services for a subscriber.

Claim Rejection Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 2 and 4 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 6,002,746 to Mulcahy et al. (hereinafter "Mulcahy"). Applicant respectfully traverses the rejection to the extent such rejection may be considered applicable to the amended claims. Mulcahy fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. 102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

As discussed above, amended claim 1 recites a method for correlating a subscriber unit with a physical port in a point to multipoint wire line network. The method of claim 1 comprises prompting an installer to manually input a location code associated with a subscriber, receiving the location code in the subscriber unit, and transmitting the location code via the network to a

Application Number 09/873,933
Responsive to Office Action mailed March 18, 2005

central repository. The location code is stored in the central repository to correlate the location code with the physical port, as set forth in claim 1. Hence, by correlating the location code with the physical port, the method of claim 1 permits services to be provisioned for a subscriber. Notably, as defined in claim 1, the claimed invention applies to a point to multipoint wireline network. As stated in paragraph [0004] of Applicant's published application, a passive optical network (PON) is one example of a point to multipoint wire line network.

Mulcahy fails to disclose or suggest numerous requirements of amended claim 1, and dependent claims 2-4 and 36-45. For example, Mulcahy does not disclose prompting an installer to manually input a location code associated with a subscriber. On the contrary, Mulcahy describes a technique for updating routing table information for telecommunication lines that have already been activated and established. In particular, Mulcahy describes identification of terminals, nodes, and node types in a pre-established network, but makes no mention of subscribers associated with such equipment, nor location codes associated with such subscribers.

Hence, Mulcahy is focused on updating existing routing information, and makes no mention of the correlation of a location code. As mentioned above, Mulcahy is concerned with identification of lines and equipment, none of which reveal information about a particular subscriber. In a point-to-multipoint wire line network, such as a passive optical network (PON), there is no way to provide a physical correlation. Instead, multiple subscribers served by the point-to-multipoint network must be logically correlated with physical ports. In a point-to-multipoint network, only after a location code is correlated with a physical port can an appropriate level or type of service be provisioned for the subscriber.

The disclosure of Mulcahy refers to an active terminal line, e.g., a telephone line, in which terminal equipment is already associated with a calling line identity, e.g., a telephone number. In other words, a telephone number already exists in the Mulcahy network and is physically correlated with the terminal equipment. Consequently, there is no need for correlation of a subscriber with a physical port. Rather, Mulcahy is directed to recording the physical route of an active line through a local switch for which a telephone number already exists. Mulcahy merely rediscovers a path, whereas correlation results in establishment of the path in the first instance. As such, Mulcahy fails to disclose the subject matter of claim 1, as amended, which

Application Number 09/873,933
Responsive to Office Action mailed March 18, 2005

requires entry of a location code that is associated with a subscriber. Accordingly, the teachings of Mulcahy are fundamentally different from the requirements of amended claim 1.

Mulcahy also fails to disclose the limitations added by dependent claims 2 and 3. For example, claim 2 (and claim 3, which is dependent on claim 2) further require checking the location code for errors before storing, upon finding an error, transmitting an instruction to the subscriber unit to indicate error to the installer and upon finding no errors, storing the location code. With respect to claim 2, Mulcahy fails to suggest checking a location code for errors before storing. Instead, Mulcahy discloses storing an inputted node and terminal number within database 19 before comparing new and existing data. Col. 8, lines 7-12. Because Mulcahy fails to even consider that inputted data may contain errors, this reference certainly fails to disclose checking the location code for errors before storing, as required by claim 2.

Mulcahy fails to disclose each and every limitation set forth in claims 1-4 and 36-45. For at least these reasons, Mulcahy does not support a prima facie case of anticipation under 35 U.S.C. §102. In addition, Mulcahy provides no teaching that would have suggested modification to arrive at the invention defined by claims 1-4 and 36-45. Withdrawal of the rejection under section 102 is respectfully requested.

Application Number 09/873,933
Responsive to Office Action mailed March 18, 2005

Claim Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Mulcahy in view of U.S. Pat. No. 6,163,594 to Kennedy et al. (hereinafter "Kennedy"). Applicant respectfully traverses the rejection to the extent the rejection may be considered applicable to claim 3, which is dependent on claim 2 and amended claim 1. The applied references fail to disclose or suggest the inventions defined by claim 3, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Claim 3 is allowable for at least the reasons discussed above with respect to claims 1 and 2. Moreover, claim 3 further requires prompting the installer to reinput the location code. Neither Mulcahy nor Kennedy provides any teaching that would have suggested this requirement of claim 3.

In his analysis, the Examiner stated that Mulcahy does not show prompting the installer to reinput the location code. However, the Examiner stated that, if an error is detected, a field engineer can be instructed to perform appropriate operations to correct the error, referring to Col. 8, lines 19-22, of Mulcahy. However, the error referred to in Col. 8, lines 19-22, is an error in routing, and not an error in entry of a location code, as required by the Applicant's claims 2 and 3.

Reinputting a location code would not fix an error in routing of a terminating line or any other errors disclosed in Mulcahy. Therefore, one of ordinary skill in the art would have found no motivation to modify the Mulcahy system to include the feature of prompting an installer to reinput the location code, as recited by the Applicant's claim 3, from Kennedy or any other prior art of record.

The Examiner cited Kennedy as allowing a "craftsperson" to re-input a correct directory number. The directory numbers discussed by Kennedy are associated with bearer channels, and are derived automatically from pre-established SPIDs. Therefore, Kennedy does not contemplate correction of errors in numbers entered by an installer. Moreover, Kennedy does not disclose prompting an installer to reinput a location code associated with a subscriber.

Application Number 09/873,933
Responsive to Office Action mailed March 18, 2005

For at least these reasons, Mulcahy and Kennedy to establish a prima facie case for non-patentability of the Applicant's claim 3 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

New Claims

Applicant has added new claims 36-45. Claims 36-45 are dependent on claim 1, and are allowable for at least the reasons stated above. In addition, new claim 36 specifies that the location code has not previously been correlated with the physical port. In the Mulcahy system, routing information is updated with respect to equipment that has already been pre-established in the network. Claim 37 states that the location code permits identification of network service parameters associated with the subscriber unit. Mulcahy provides no such teaching. Claim 38 specifies that the point to multipoint wire line network includes a passive optical network (PON), which is not suggested by Mulcahy. Claims 39-46 recite additional features that are neither disclosed nor suggested by the prior art of record.

CONCLUSION

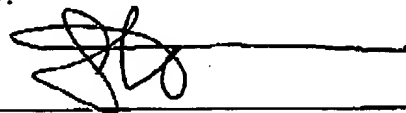
All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Applicant does not acquiesce with any of the Examiner's current rejections or characterizations of the prior art, and reserves the right to further address such rejections and/or characterizations.

Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

By:

6-17-05



SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

Name: Steven J. Shumaker
Reg. No.: 36,275